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NSSM 59

U.S. POLICY ON CW-BW

ANALYTICAL SUMMARY

I. Objective and Issues for Decision

The overall objective of the NSSM 59 study is a U.S. policy on CW-BW which will serve both as a foundation for determining employment doctrine and operational requirements and as a foundation for U.S. negotiating positions on CW-BW arms control measures. There is, today, no comprehensive or coherent national policy for CW-BW from which the nature, scope and direction of U.S. practices and programs can be determined.

There are three principal issues:

Policy on Biological Warfare (BW)
Policy on Chemical Warfare (CW)
Policy on the Use of Tear Gas and/or Herbicides in War and the Geneva Protocol.

II. Policy on Biological Warfare (BW)

A. Background

1. Characteristics. BW employs biological agents to infect human, animal or crop targets. The agents are (a) highly toxic (a small amount can infect hundreds of square miles); (b) relatively uncontrollable (effects cannot be confidently confined, even in a large target area); (c) relatively unreliable (effects difficult to predict); and (d) relatively inexpensive.

2. Policy. The U.S. has clearly renounced first-use of lethal biologicals, and any use requires Presidential authorization according to JCS directives. Policy on incapacitants and anti-crop is uncertain and undefined. The U.S. has reserved the option for first-use of such weapons with Presidential authorization.

3. Programs

-- Offensive and defensive research and development.

-- Stockpiles of lethal biologicals, incapacitants and anti-crop.

Since all biological agents decay, stockpiles are replenished at an annual rate (e.g., 16 tons for wheat rust at a cost of $800,000). Replenishment of stocks has been stopped pending the outcome of NSSM 59.

4. Threat. Intelligence in the BW field is necessarily very limited. Virtually any industrial nation could produce BW agents. However, no nation is known to consider BW as a vital or even an important link to its national security. While clandestine use to achieve strategic military objectives is not a tenable threat, there always remains the possibility of clandestine use which could kill large segments of the U.S. population. However, because of the unlikelihood of detecting the "attack" or the "attackers", there is really nothing the U.S. can do outside of the realm of public health process and perhaps better warning devices. Also retaliation in kind could not be timely or effective because of the long time period for defenses and preparations, and would probably achieve no military objective Strategic use of BW in conjunction with or after nuclear weapons in an "all-out" strategic exchange with the Soviet Union is a credible but tenuous threat. In short, the threat is unclear, undefined and undetectable. (Military defense against BW is easier than against chemicals.)

5. Utility. Lethal biologicals are generally strategic, purely anti-population weapons. Because (a) of the relative unreliability and uncontrollability of such weapons, (b) of their probable redundancy in an "all-out" nuclear exchange situation, and (c) of the inevitable time delays in detecting an attack, delivering a counterattack and infecting the target population, lethal biologicals have no clearly defined military utility. Incapacitating biologicals also have no basic deterrent function and

no apparent value as a weapon for retaliation. The use of incapacitating biologicals would appear to confer no significant military advantages except possibly in the case of first-use (and also one-sided use) against an unprepared, undefended and unsophisticated enemy with no means of escalation (i.e., "third world" countries). The rationale for biological anti-crop (i.e., starving populations and "ruining" economies) also falls into the strategic category of all possible means in "all-out" anti-population warfare.

B. Policy Choices

1. Retain a full capability for use of BW agents including agents. Current programs would have to be expanded for this option. The political costs would be unacceptable, and there would be no offsetting military advantages as the value of such a capability, either for first-use, for deterrence or for retaliation in kind, is highly doubtful at best. All agencies, except possibly JCS, oppose this position.

2. Retain a capability only for incapacitating BW agents. The political costs would still be high and as there would be no offsetting military advantages except possibly in wars with "third world" forces if the U.S. were willing to adopt a first-use policy with regard to such agents. No agency supports this position, except possibly JCS.

3. R&D for Offense and Defense. The political costs would be high and, as before, the offensive utility of such agents remains doubtful at best. No agency except possibly JCS supports this position.

4. R&D for Defense Only. The threat does not demand an actual capability, because the military utility of such weapons (either for first-use or retaliation in kind) is doubtful. OSD recommends this position, and all other agencies agree. Such a policy would, by definition,

require only a very limited program. For this reason, if such a position were to be credible, certain subsidiary questions (e.g., the future of Pine Bluff Arsenal, the "openness" of Fort Detrick, and the disposition of current stockpiles) will require subsequent decision.

5. UK Draft Convention. If Research and Development for Defense policy is chosen, the basic issue as to whether the U.S. can support the U.K. Draft Convention on BW (with minor and understood alterations) is settled. (This is the only option which would allow the U.S. to support the draft convention if we choose to do so. Decision as to whether to support the draft would be made on the basis of such questions as relationships to other arms control discussions and measures, responses of other parties, verification procedures, et cetera.)

III. Policy on Chemical Warfare (CW)*

A. Background

1. Characteristics.

Lethal chemical weapons, such as the nerve agents VX and GB, are anti-personnel weapons which take effect very rapidly and which are, therefore, generally designed for tactical or battlefield situations. Large quantities of chemical agents must be delivered on target to produce the desired effects. Protection against CW is more difficult than against BW since protection requires not only a mask but also encumbering protective clothing.

Incapacitating chemical weapons are intended to cause temporary disability without residual injurious effects (estimated lethality less than 2%).

*Tear gas and/or herbicides are handled in the Part IV. Depending upon the resolution of the issues in this and the following section, such agents can either be included in an overall U.S. CW policy or treated separately.

2. Policy. Although the U.S. has not ratified the Geneva Protocol, the U.S. has renounced first-use of lethal chemical weapons. Any use of such weapons requires Presidential authorization according to JCS directives. U.S. policy on chemical incapacitants is ambiguous and uncertain. The U.S. has reserved the option of first-use to exploit military advantage with Presidential authorization.

3. Programs.

Lethal - Offensive and defensive R&D. Inventory of approximately 30,000 agent tons (approximately 13,000 tons of which is Mustard, which OSD has recommended be destroyed or detoxified). The one to two weeks' large-scale operational supply in the Far East is to be moved from Okinawa either to Guam or ultimately to CONUS. The U.S. maintains about a five-day large-scale operational supply in the FRG.

Incapacitant - Offensive and defensive R&D. Stockpiles approximately 10 tons of a chemical incapacitant (BZ, a psychochemical or hallucinatory agent).

4. Threat. Intelligence as to many of the details (e.g., protection, storage, actual programs) in the CW field is necessarily very limited. However, there is more basic evidence than in the BW field. The only current chemical threat to the U.S. is the Soviet Union. The Soviets probably consider chemical weapons subject to the same political restraints as those imposed on nuclear weapons, and any decision to use chemicals would almost certainly be made at the highest political level. It is generally agreed that the Soviet Union's CW offensive and defensive capability in Europe surpasses that of the U.S.

5. Military Utility.

Lethal - The basic rationale is that lethal chemicals offer a response in kind to a chemical attack which imposes the same operational constraints (e.g., masks, protective

clothing and movement limitation) upon the attacker as he imposed upon U.S. forces. (Of course, the initial attack itself might well force the initiator to take such protective measures regardless of the response.) The rationale for lethal chemicals is essentially based upon the premise of a "middle option" of "conventional-chemical warfare" in Europe. Two questions are not adequately addressed in the rationale:

(a) What is the utility of chemicals in a chemical-nuclear environment?

(b) What is the probability of this "middle-level option" without nuclears?

Incapacitants - The U.S. does not have an operationally effective chemical incapacitant. Their utility would appear to confer no military advantages except in the case of first-use against an unprepared, unsophisticated enemy with no capability or retaliation or escalation (i.e., "third world" forces). Incapacitants have no apparent value as a retaliatory weapon.

B. Policy Choices

1. First Use. All agencies support a declaratory policy of "no first-use" of lethal chemicals. The political costs of a declaratory "first-use" policy would be prohibitively great and the dollar costs of such a policy could easily run 8-10 times current expenditures (for added offensive and defensive capabilities).

The question is: Should the U.S. preserve a first-use option for incapacitating chemicals?

-- The principal argument for this option is that successful development of an effective incapacitating agent (the current U.S. stockpile is not operationally effective) could provide a capability to gain a military advantage with fewer casualties.

-- The principal argument against this option is that first-use of such agents would probably be construed by most nations to be contrary to international law, the Geneva Protocol and past expression of U.S. policy, and that first-use might well lead to escalation as the enemy might well not acknowledge any distinction between incapacitating and lethal agents.

2. Accepting a "no first-use policy" for lethal chemicals, the question is: Does a retaliatory capability policy or a defensive measure with R&D policy best balance the military and political factors?

-- Retaliatory Policy

The principal arguments for are: (a) that the capability is needed to deter enemy use of lethal chemicals; (b) it offers the lethal chemical option (as compared to the expanded conventional option in low level conflicts and the nuclear option in high level conflicts) in retaliation against a CW attack; and (c) that a response in kind would force an enemy to operate under the same operational constraints as had been imposed upon U.S. forces.

The principal con arguments are:(a) that other military means, including nuclear weapons, are sufficient to deter the use of CW weapons; (b) that the deterrent threat of retaliation with nuclear weapons against a CW attack could be more credible without a CW offensive capability; and (c) that NATO allies (not to mention OSD and the U.S. Congress) have not given and cannot be expected to give the necessary support for a sufficient NATO-wide retaliatory chemical capability.

-- R&D and Defensive Programs Only

The principal pro arguments are: (a) that an R&D program protects against any technological surprise; (b) that nuclear weapons are sufficient to deter

the use of CW weapons, and that this deterrent would be more credible without an actual CW capability; and (c) that it would eliminate the political problems with overseas storage.

The principal con arguments are: (a) an actual capability is necessary to deter a chemical attack; (b) it gives up the option to retaliate in kind.

3. Overseas Stockpiling (FRG). If a retaliatory policy is decided upon, the question of overseas stockpiles arises. If a fully effective retaliatory capability is desired, expansion of current overseas and CONUS stockpiles would be necessary. Current stockpile levels tend to place the U.S. in the position of doing enough to arouse criticism but not doing enough to have an effective capability. OSD has decided that the only overseas support should be for U.S. forces in central NATO.

The principal arguments for overseas stockpiles are: (a) stocks in close proximity to where they may be used are necessary for a time and adequate response in kind (it is estimated that stockpiles in CONUS would impose a delay of approximately 14 days if there were no advance warning of an attack); and (b) such stockpiles are necessary for deterrence.

The principal arguments against overseas stockpiles are: (a) expansion of such stocks necessary to create a sufficient retaliatory capability would probably involve increased political problems for thw U.S. with its allies; (b) even present stocks on foreign territory could become a source of political friction with the host country; and (c) secret removal of present stocks could avoid negating whatever deterrent value exists in their forward deployment.

4. OSD Recommendations on CW Policy (at marked tab in your book) are in summary:

-- A retaliatory deterrent capability.

-- Reduction in current capability and no production until binary weapons are developed.

-- Concentration on R&D of binary agents.

-- Overseas stockpiles only in Europe (FRG) at current levels.

IV. Geneva Protocol/Tear Gas

1. A "no first-use" policy would settle the question of the ratification of the Geneva Protocol were it not for the question of tear gases and, more specifically, their use in Vietnam.

2. While these two issues are related, the decision does not turn on use of tear gases in Vietnam alone. Rather there is the general question of whether the military utility of tear gas in the future will outweigh the political costs of its use. The use of tear gases in conjunction with lethal weapons in Vietnam has made it easier to kill the enemy with fewer U.S. casualties but military utility of such use appears to be limited to Vietnam-type situations. Many nations consider unrestricted use of tear gases to be (a) contrary to the Protocol, and (b) a loosening of the barriers against CW in general, and criticize the U.S. use.

3. The U.S. could simply ratify the Protocol if it were willing to limit use of tear gases in Vietnam and in the future to obvious riot control situations. If the U.S. were willing to accept far more restricted use of tear gases than is now the practice in Vietnam, we could ratify the Protocol with an interpretation* (not a reservation) that it does not prohibit use in war of tear gases for "humanitarian and riot control purposes". While this would probably cause no major controversy, such a position would require changing or substantially reducing the current uses in Vietnam which have escalated beyond the original published justification for "humanitarian and riot control" purposes, (e.g., tear gases in conjunction with high explosives and other lethal weapons).

4. If unrestricted use in Vietnam or in the future is desired, the choices are: (1) ratify the Protocol either with an

* or simply an official statement to this effect.

interpretation or public statement that we do not consider unrestricted use of tear gases in war to be prohibited -- this interpretation would be more difficult to "sell" internationally than limited use (especially in the "third world" where tear gas would be most applicable); or (2) whether we ratify or not, attempt to buy time on the issue by further discussion of its application to tear gas.